

REMARKS

Entry of the foregoing and further and favorable consideration of the subject application in the form of a Notice of Allowance are respectfully requested and such action is earnestly solicited.

As correctly stated in the Official Action, Claims 11-23 are pending in the present application. Claims 11-17 stand allowed. Claims 18-23 stand rejected.

By the present amendment, Claims 18-23 have been amended to refer to appropriate SEQ ID NOS. Claims 19 and 21 have been further amended as suggested on page 3 of the Official Action. Figure 4 has been corrected to show the correct sequence and alignment of amino acid residues 690-761 of K11 phage. The Sequence Listing has been revised to correct typographical errors that appeared in the original listing and as discussed more fully below. No new matter has been added.

Interview Summary

Applicants gratefully acknowledge the courtesy shown by Examiner Hutson to Applicants' undersigned representative in an interview on August 26, 2003.

During the interview, Applicants' representative pointed out that not all residues of the wild-type T3, K11, and SP6 phage RNA polymerases are shown in Figures 3 and 4, but that the full sequences were known in the art prior to the filing of the present application. A correction to the Sequence Listing was proposed by the Examiner, rather

than correcting Figures 3 and 4 to show the full-length sequences of these RNA polymerases.

Sequence Listing

As noted above, the Sequence Listing has been revised to correct typographical errors. Additionally, SEQ ID NOs: 5 and 6 have been revised to insert "Xaa" within the sequence for amino acids which are not shown in original Figures 3 and 4. Applicants note that this designation is somewhat artificial because the full sequences of the wild-type K11 and SP6 phage RNA polymerases were known at the time of filing of the application. In support of this, Applicants submit herewith GenBank amino acid sequences of the T3, K11, and SP6 phages (Exhibits A1-A3, respectively) which show a date of submission well before the present application. Moreover, based on the numbering that appears at the left-hand side of original Figures 3 and 4, it is evident that not all residues were shown. Thus, one skilled in the art would recognize that some residues are not shown and would be able to readily obtain the missing residues from widely available resources such as GenBank. SEQ ID NO:4 contains the full sequence of T3 phage RNA polymerase as shown in Figures 6 and 7. Accordingly, Applicants respectfully submit that the revised Sequence Listing does not contain any new matter.

Drawings

As noted above, Figure 4 has been amended to show the correct sequence alignment and sequence for residues 690-761 of the K11 phage RNA polymerase. As the K11 phage RNA polymerase sequence was known at the time of filing, Applicants respectfully submit that one skilled in the art would recognize the slight error in this portion of the sequence appearing in Figure 4. In particular, the first four characters of the K11 sequence beginning at residue 690 appear as ". - H .," rather than ". . - H," which is the correct sequence and alignment. Because of this error, the remainder of this line of sequence is slightly shifted. As the full sequence of the K11 phage RNA polymerase was known at the time of filing of the present application, Applicants respectfully submit that this error would have been apparent to one skilled in the art. Additionally, one skilled in the art would know how to correct this error by obtaining the sequence from widely available resources such as GenBank. Accordingly, no new matter has been added.

Objection to the Specification

The specification stands objected to for informalities relating to the Sequence Listing. The Sequence Listing has been revised as discussed above. SEQ ID NO:3 of the revised listing (the full-length sequence of T7 phage RNA polymerase) contains 883 amino acids. SEQ ID NO:4 of the revised listing (the full-length sequence of T3 phage RNA polymerase) contains 884 amino acids. SEQ ID NO:5 of the revised listing (the full-length sequence of K11 phage RNA polymerase) contains 906 amino acids, with amino acids not

shown in Figures 3 and 4 being designated as Xaa. SEQ ID NO:6 of the revised listing (the full-length sequence of SP6 phage RNA polymerase) contains 874 amino acids, with amino acids not shown in Figures 3 and 4 being designated as Xaa. Accordingly, SEQ ID NOs:3-6 now contain the correct number of amino acid residues which correspond to the numbering shown in Figures 3 and 4. No additional correction to the specification is believed to be necessary. Withdrawal of this objection is respectfully requested.

Objections to the Claims

Claims 19 and 21 stand objected to for minor informalities. By the present amendment, Claims 19 and 21 have been amended as suggested on page 3 of the Official Action. Withdrawal of this objection is respectfully requested.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 18-23 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. The Examiner argues that Claims 18-23 are indefinite because the specific residues indicated in these claims do not line up with the appropriate residue in the SEQ ID NOs of the Sequence Listing.

The Sequence Listing has been amended as discussed above. Thus, SEQ ID NOs:4, 5, and 6 represent the full-length sequences of the T3, K11, and SP6 phages respectively. Claims 18-23 have been amended, as appropriate, to refer to SEQ ID NOs: 4, 5, and 6. Accordingly, Applicants respectfully submit that the residues referred to the

Claims 18-23 now correspond correctly to the SEQ ID NOs in the Sequence Listing.

Withdrawal of this rejection is respectfully requested.

Conclusions

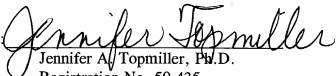
From the foregoing, further and favorable consideration of the subject application in the form of a Notice of Allowance is respectfully requested and such action is earnestly solicited.

If there are any questions concerning this amendment, or the application in general, the Examiner is respectfully requested to telephone Applicants' undersigned representative so that prosecution may be expedited.

Respectfully submitted,

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